

LEGISLATURE OF NEBRASKA  
NINETY-SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 577**

Introduced by Janssen, 15; Robak, 22

Read first time January 19, 1999

Committee: Judiciary

A BILL

1 FOR AN ACT relating to minors; to amend sections 28-1419,  
2 53-180.06, and 53-180.07, Reissue Revised Statutes of  
3 Nebraska; to change provisions relating to sales of  
4 tobacco and alcoholic liquor; and to repeal the original  
5 sections.  
6 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 28-1419, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   28-1419. ~~Whoever shall sell, give or furnish~~ (1) Any  
4 person who sells, gives away, or furnishes, in any way, any tobacco  
5 in any form whatever, or any cigarettes, or any cigarette paper, to  
6 any ~~minor~~ person under eighteen years of age, shall be guilty of a  
7 Class III misdemeanor for each offense.

8                   (2) To establish proof of age for the purpose of  
9 purchasing or using tobacco, a person shall present or display only  
10 a valid driver's or operator's license, Nebraska state  
11 identification card, military identification card, alien  
12 registration card, or passport.

13                   (3) Every holder of a license under sections 28-1420 to  
14 28-1422 may maintain, in a separate book, a record of each person  
15 who has furnished documentary proof of age for the purpose of  
16 making any purchase of tobacco. The record shall show the name  
17 and address of the purchaser, the date of the purchase, and a  
18 description of the identification used and shall be signed by the  
19 purchaser.

20                   Sec. 2. In any prosecution of or any proceeding against  
21 any holder of a license under sections 28-1420 to 28-1422 charged  
22 with having made a sale to a person under eighteen years of age,  
23 proof of the following shall be an absolute defense to the charge:

24                   (1)(a) The purchaser falsely represented in writing and  
25 supported with other documentary proof that he or she was of legal  
26 age to purchase tobacco or the legally authorized identification or  
27 the information on the identification was scanned or processed  
28 electronically, announcing the purchaser was of legal age;

1           (b) The appearance of such purchaser was such that an  
2           ordinary and prudent person would believe that such appearance  
3           conformed to any documentary description of appearance of the  
4           purchaser; and

5           (c) The seller was acting in good faith, in reliance upon  
6           the written representation, other documentary evidence or  
7           electronically scanned or processed identification, and appearance  
8           of the purchaser, and in the belief the purchaser was of legal age  
9           to make such purchase; or

10           (2) The seller was acting with the knowledge of and in  
11           cooperation with a duly authorized law enforcement officer.

12           Sec. 3. Section 53-180.06, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           53-180.06. (1) To establish proof of age for the purpose  
15 of purchasing or consuming alcoholic liquor, a person shall present  
16 or display only a valid driver's or operator's license, Nebraska  
17 state identification card, military identification card, alien  
18 registration card, or passport.

19           (2) Every holder of a retail license ~~shall~~ may maintain,  
20 in a separate book, a record of each person who has furnished  
21 documentary proof of age for the purpose of making any purchase of  
22 alcoholic liquor. The record shall show the name and address of  
23 the purchaser, the date of the purchase, and a description of the  
24 identification used and shall be signed by the purchaser.

25           Sec. 4. Section 53-180.07, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27           53-180.07. In any prosecution of or any proceeding  
28 against any licensee charged with having made a sale to a minor,

1 proof of the following shall be an absolute defense to the charge:

2 (1)(a) The purchaser falsely represented in writing and  
3 supported with other documentary proof that he or she was of legal  
4 age to purchase alcoholic liquor or the legally authorized  
5 identification or the information on the identification was scanned  
6 or processed electronically, announcing the purchaser was of legal  
7 age;

8 (b) The appearance of such purchaser was such that an  
9 ordinary and prudent person would believe that such appearance  
10 conformed to any documentary description of appearance presented by  
11 the purchaser; and

12 (c) The seller was acting in good faith, in reliance upon  
13 the written representation, other documentary evidence or  
14 electronically scanned or processed identification, and the  
15 appearance of the purchaser, and in the belief the purchaser was of  
16 legal age to make such purchase; or

17 (2) The seller was acting with the knowledge of and in  
18 cooperation with a duly authorized law enforcement officer.

19 Sec. 5. Original sections 28-1419, 53-180.06, and  
20 53-180.07, Reissue Revised Statutes of Nebraska, are repealed.